

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**CATHY LYNN CUPAT**  
**a.k.a. CATHY LYNN WILSON**  
**9727 Channel Road, Apt. 78**  
**Lakeside, CA 92040**

**Registered Nurse License No. 436702**

Respondent

Case No. 2012-399

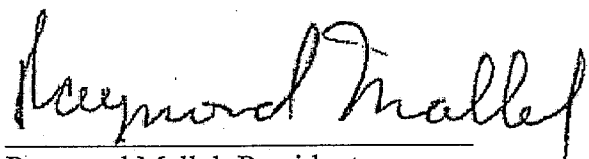
OAH No. 2011120518

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **November 16, 2012.**

IT IS SO ORDERED **October 17, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

13 **CATHY LYNN CUPAT,**  
14 **AKA CATHY LYNN WILSON**  
15 **471 Ballantyne Street #53.**  
**El Cajon, California 92020**

16 **Registered Nurse License No. 436702**

17 Respondent.

Case No. 2012-339

OAH No. 2011120518

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18  
19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
24 Board of Registered Nursing. She brought this action solely in her official capacity and is  
25 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
26 Nicole R. Trama, Deputy Attorney General.

27 2. Respondent Cathy Lynn Cupat, aka Cathy Lynn Wilson (Respondent) is representing  
28 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about March 31, 1989, the Board of Registered Nursing issued Registered Nurse License No. 436702 to Cathy Lynn Cupat, aka Cathy Lynn Wilson (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-339 and will expire on November 30, 2012, unless renewed.

## JURISDICTION

4. Accusation No. 2012-339 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 2, 2011. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-339 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-339. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-339.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

1

2

6

1

7

20

6

7

1           **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or  
2 practice as a registered nurse outside of California shall not apply toward a reduction of this  
3 probation time period. Respondent's probation is tolled, if and when she resides outside of  
4 California. Respondent must provide written notice to the Board within 15 days of any change of  
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7           Respondent shall provide a list of all states and territories where she has ever been licensed  
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
9 information regarding the status of each license and any changes in such license status during the  
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
11 license during the term of probation.

12           **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
13 or cause to be submitted such written reports/declarations and verification of actions under  
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
16 Respondent shall immediately execute all release of information forms as may be required by the  
17 Board or its representatives.

18           Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
19 state and territory in which she has a registered nurse license.

20           **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
22 6 consecutive months or as determined by the Board.

23           For purposes of compliance with the section, "engage in the practice of registered nursing"  
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
25 non-direct patient care position that requires licensure as a registered nurse.

26           The Board may require that advanced practice nurses engage in advanced practice nursing  
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

28           If Respondent has not complied with this condition during the probationary term, and

1 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
2 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
3 extension of Respondent's probation period up to one year without further hearing in order to  
4 comply with this condition. During the one year extension, all original conditions of probation  
5 shall apply.

6       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
7 prior approval from the Board before commencing or continuing any employment, paid or  
8 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
9 performance evaluations and other employment related reports as a registered nurse upon request  
10 of the Board.

11       Respondent shall provide a copy of this Decision to her employer and immediate  
12 supervisors prior to commencement of any nursing or other health care related employment.

13       In addition to the above, Respondent shall notify the Board in writing within seventy-two  
14 (72) hours after she obtains any nursing or other health care related employment. Respondent  
15 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
16 separated, regardless of cause, from any nursing, or other health care related employment with a  
17 full explanation of the circumstances surrounding the termination or separation.

18       **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
19 Respondent's level of supervision and/or collaboration before commencing or continuing any  
20 employment as a registered nurse, or education and training that includes patient care.

21       Respondent shall practice only under the direct supervision of a registered nurse in good  
22 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
23 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
24 approved.

25       Respondent's level of supervision and/or collaboration may include, but is not limited to the  
26 following:

27       (a) Maximum - The individual providing supervision and/or collaboration is present in  
28 the patient care area or in any other work setting at all times.

1 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
2 care unit or in any other work setting at least half the hours Respondent works.

3 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
4 person communication with Respondent at least twice during each shift worked.

5 (d) Home Health Care - If Respondent is approved to work in the home health care  
6 setting, the individual providing supervision and/or collaboration shall have person-to-person  
7 communication with Respondent as required by the Board each work day. Respondent shall  
8 maintain telephone or other telecommunication contact with the individual providing supervision  
9 and/or collaboration as required by the Board during each work day. The individual providing  
10 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
11 patients' homes visited by Respondent with or without Respondent present.

12 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
13 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
14 or for an in-house nursing pool.

15 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
16 registered nursing supervision and other protections for home visits have been approved by the  
17 Board. Respondent shall not work in any other registered nursing occupation where home visits  
18 are required.

19 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
20 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
21 and/or unlicensed assistive personnel on a case-by-case basis.

22 Respondent shall not work as a faculty member in an approved school of nursing or as an  
23 instructor in a Board approved continuing education program.

24 Respondent shall work only on a regularly assigned, identified and predetermined  
25 worksite(s) and shall not work in a float capacity.

26 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
27 request documentation to determine whether there should be restrictions on the hours of work.  
28



1           10.   **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
2 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
3 months prior to the end of her probationary term.

4           Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
6 above required course(s). The Board shall return the original documents to Respondent after  
7 photocopying them for its records.

8           11.   **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
9 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
10 amount of \$4,151.60. Respondent shall be permitted to pay these costs in a payment plan  
11 approved by the Board, with payments to be completed no later than three months prior to the end  
12 of the probation term.

13           If Respondent has not complied with this condition during the probationary term, and  
14 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
15 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
16 extension of Respondent's probation period up to one year without further hearing in order to  
17 comply with this condition. During the one year extension, all original conditions of probation  
18 will apply.

19           12.   **Violation of Probation.** If Respondent violates the conditions of her probation, the  
20 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
21 and impose the stayed discipline (revocation/suspension) of Respondent's license.

22           If during the period of probation, an accusation or petition to revoke probation has been  
23 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
24 an accusation or petition to revoke probation against Respondent's license, the probationary  
25 period shall automatically be extended and shall not expire until the accusation or petition has  
26 been acted upon by the Board.

27           13.   **License Surrender.** During Respondent's term of probation, if she ceases practicing  
28 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,

1 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
2 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
3 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
4 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
5 subject to the conditions of probation.

6 Surrender of Respondent's license shall be considered a disciplinary action and shall  
7 become a part of Respondent's license history with the Board. A registered nurse whose license  
8 has been surrendered may petition the Board for reinstatement no sooner than the following  
9 minimum periods from the effective date of the disciplinary decision:

10 (1) Two years for reinstatement of a license that was surrendered for any reason other  
11 than a mental or physical illness; or

12 (2) One year for a license surrendered for a mental or physical illness.

13 ACCEPTANCE

14 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
15 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
16 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
17 bound by the Decision and Order of the Board of Registered Nursing.

18  
19 DATED: 7/22/12

Cathy Lynn Cupat  
CATHY LYNN CUPAT,  
AKA CATHY LYNN WILSON  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: July 23, 2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

*Nicole R. Trama*

NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

SD2011801619  
70596403.doc

**Exhibit A**

**Accusation No. 2012-339**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11  
12 Case No. **2012-339**

13 In the Matter of the Accusation Against:

14 **CATHY LYNN CUPAT,**  
**AKA CATHY LYNN WILSON**  
15 **4242 34th Street, Unit C**  
**San Diego, California 92104**

**A C C U S A T I O N**

16 **Registered Nurse License No. 436702**

17 **Respondent.**

18  
19 **Complainant alleges:**

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about March 31, 1989, the Board of Registered Nursing issued Registered  
25 Nurse License Number 436702 to Cathy Lynn Cupat, also known as Cathy Lynn Wilson  
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
27 the charges brought herein and will expire on November 30, 2012, unless renewed.  
28



1 9. Title 16, California Code of Regulations, section 1443, provides:

2 As used in Section 2761 of the code, "incompetence" means the lack of  
3 possession of or the failure to exercise that degree of learning, skill, care and  
4 experience ordinarily possessed and exercised by a competent registered nurse as  
described in Section 1443.5.

5 10. Title 16, California Code of Regulations, section 1443.5, provides:

6 A registered nurse shall be considered to be competent when he/she  
7 consistently demonstrates the ability to transfer scientific knowledge from social,  
biological and physical sciences in applying the nursing process, as follows:

8 (1) Formulates a nursing diagnosis through observation of the client's  
9 physical condition and behavior, and through interpretation of information  
10 obtained from the client and others, including the health team.

11 (2) Formulates a care plan, in collaboration with the client, which ensures  
12 that direct and indirect nursing care services provide for the client's safety,  
13 comfort, hygiene, and protection, and for disease prevention and restorative  
measures.

14 (3) Performs skills essential to the kind of nursing action to be taken,  
15 explains the health treatment to the client and family and teaches the client  
and family how to care for the client's health needs.

16 (4) Delegates tasks to subordinates based on the legal scopes of practice of  
17 the subordinates and on the preparation and capability needed in the tasks to  
be delegated, and effectively supervises nursing care being given by  
subordinates.

18 (5) Evaluates the effectiveness of the care plan through observation of the  
19 client's physical condition and behavior, signs and symptoms of illness, and  
20 reactions to treatment and through communication with the client and health  
team members, and modifies the plan as needed.

21 (6) Acts as the client's advocate, as circumstances require, by initiating  
22 action to improve health care or to change decisions or activities which are  
23 against the interests or wishes of the client, and by giving the client the  
24 opportunity to make informed decisions about health care before it is  
provided.

### 25 COST RECOVERY

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FACTUAL ALLEGATIONS**

4 12. Respondent was employed as a registered nurse at Alvarado Hospital Medical Center  
5 (Alvarado Hospital), in San Diego, California in October 2010. On or about October 7, 2010,  
6 patient S.W. was admitted to Alvarado Hospital for pain management. S.W. was an inmate at  
7 Richard J. Donovan (RJD) State Prison with end stage lung cancer, with a history of pathological  
8 fractures secondary to his cancer diagnosis, and was on large amounts of narcotic pain  
9 medication. While at Alvarado Hospital, S.W. was assessed, examined and then given additional  
10 pain medication for his metastatic lung cancer.

11 13. Respondent was assigned to get S.W. ready for discharge on October 7, 2010. During  
12 the discharge, S.W. told Respondent that he had right upper arm pain. Respondent failed to  
13 reassess S.W. after he complained of the arm pain. Respondent failed to notify S.W.'s treating  
14 physician about the arm pain. Respondent failed to document S.W.'s complaint in a nursing note,  
15 discharge note, or any of his patient records. Respondent discharged S.W. and he was sent back  
16 to RJD.

17 14. When S.W. returned to RJD, S.W. continued to complain of pain and was thus,  
18 reexamined by a physician at RJD. The physician requested another evaluation of S.W.;  
19 therefore, S.W. was re-transported and readmitted to Alvarado Hospital. During the second  
20 evaluation, S.W. received an x-ray, which showed a fractured right humerus and damage to his  
21 clavicle. S.W. then underwent orthopedic surgery to repair and stabilize the injury, and he spent  
22 several weeks in the hospital.

23 15. During an interview with a Division of Investigation investigator on August 1, 2011,  
24 Respondent admitted that she did not chart S.W.'s complaint of pain and that she was wrong in  
25 not charting this event.

26 ///

27 ///

28 ///



1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Gross Negligence)**

3 16. Respondent is subject to disciplinary action for unprofessional conduct under section  
4 2761(a)(1) of the Code in that during her employment at Alvarado Hospital, Respondent was  
5 grossly negligent as evidenced by her failure to provide care or exercise ordinary precaution  
6 which she knew or should have known could have jeopardized S.W.'s health, when she failed to  
7 reassess S.W.'s right arm and to document the change in S.W.'s condition, as is set forth in  
8 paragraphs 12 through 15 above, which are incorporated herein as though set forth in full.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct – Incompetence)**

11 17. Respondent is subject to disciplinary action for unprofessional conduct under section  
12 2761(a)(1) of the Code in that during her employment at Alvarado Hospital, Respondent  
13 demonstrated incompetence in her care of S.W., as she failed to exercise the degree of learning,  
14 skill, care and experience ordinarily possessed and exercised by a competent registered nurse, as  
15 is set forth in paragraphs 12 through 15 above, which are incorporated herein as though set forth  
16 in full.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 436702, issued to Cathy  
21 Lynn Cupat, also known as Cathy Lynn Wilson;

22 2. Ordering Cathy Lynn Cupat, also known as Cathy Lynn Wilson to pay the Board of  
23 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
24 pursuant to Business and Professions Code section 125.3;

25 ///

26 ///

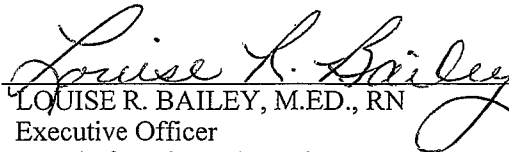
27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: December 2, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SD2011801619  
80575724.doc